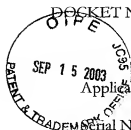


DAC

POCKET NO: 17008DIV5CON3(AP)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Burck

Examiner: Gerstl, R.

Serial No.: 10/087,867

Group Art Unit: 1626

Conf. No. 9687

Filed: February 28, 2002

For: CYCLOPENTANE(ENE)
HEPTENOIC OR HEPTANOIC
ACIDS AND DERIVATIVES
THEREOF USEFUL AS
THERAPEUTIC AGENTS

PETITION TO REVIVE PURSUANT TO 37 CFR §1.137(b)

RECEIVED

Commissioner for Patents
Alexandria, VA 22313-1450

SEP 17 2003

OFFICE OF PETITIONS

Dear Sir:

Applicant hereby petitions to revive the above-indicated patent application, which was unintentionally abandoned by failure to file an acceptable Terminal Disclaimer to overcome the Examiner's rejection of the claims for obviousness-type double patenting. The above rejection was the only rejection made in the Final Rejection mailed by the Examiner on December 12, 2002. The applicant responded by filing a Terminal Disclaimer on December 20, 2002 but the Examiner found that the Terminal Disclaimer was incorrect and notified the applicant of this finding in an Advisory Action mailed May 29, 2003. That is, the Advisory Action was mailed and received after the time for response to the Final Rejection has expired. Nevertheless, the Examiner indicated that the period for replying to the Advisory Action would expire 3 (three) months from the date of mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date of Deposit:

9/11/2003

Person making Deposit:

BONNIE FERGUSON

Signature:

Bonnie Ferguson

Date of Signature:

9/11/03

the Final Rejection, i.e. March 12, 2003. As a result the time for responding to the Advisory Action had already expired when the Advisory Action was received by the applicant..

Applicant filed a corrected Terminal Disclaimer on June 5, 2003, but failed to notice that the time to respond had already expired, therefore no request for an extension of time was filed.

Thus, applicant unintentionally filed a Terminal Disclaimer, which would have placed the present application in condition for allowance, after the time for response had expired.

Thus, in accordance with 37 CFR § 1.137:

(1) The required reply was filed on June 5, 2003.

(2) The Petition Fee as set forth in § 1.17(m) may be charged to applicant's Assignee's Deposit account as stated below.

(3) In view of the above, it is clear that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

(4) No additional Terminal Disclaimer is required in view of the Terminal Disclaimer filed on June 5, 2003 (copy enclosed).

Applicants authorize the use of Deposit Account No. 01-0885 for the payment of the petition fee under 37 CFR 1.17(m), and for the payment of any other fee that may be due in connection with this correspondence.

Respectfully submitted,


Robert J. Baran, Reg No. 25,806

Legal Department, T2-7H
ALLERGAN, INC.
2525 Dupont Drive
Irvine, CA 92612
Telephone: (714) 246-4669
Fax: (714) 246-4249

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